

PETITION UNDER 28 U.S.C. 2254 FOR  
WRIT OF HABEAS CORPUS BY A PERSON IN  
STATE CUSTODY

**FILED**

**ALR**

**APRIL 2, 2008**

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT DISTRICT: NORTHERN

NAME:

SHAUNCEY JACKSON

CASE NO. 99 CR 261-1

PLACE OF CONFINEMENT:

LINCOLN CORRECTIONAL CENTER

PRISONER NO. R82054

PETITIONER:

SHAUNCEY JACKSON

RESPONDENT:

V. UNITED STATES OF AMERICA

THE ATTORNEY GENERAL OF THE STATE OF:

ILLINOIS

**RECEIVED**

07cv7011

Judge MANNING

Mag. Judge DENLOW

PETITION

DEC 13 2007

DEC 13 2007 new

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

1) (a) NAME AND LOCATION OF COURT THAT ENTERED THE JUDGMENT OF CONVICTION:

- UNITED STATES DISTRICT COURT FOR NORTHERN ILLINOIS 219 S. DEARBORN CHGO, IL

- CIRCUIT COURT OF COOK COUNTY/ 2650 S. CALIFORNIA CHGO, IL

(b) CRIMINAL DOCKET OR CASE NO.:

- 99 CR 261-1 (FEDERAL)

- 06 CR1222201 (STATE)

2) DATE OF JUDGMENT OF CONVICTION:

- SEPTEMBER 26, 2007 (FEDERAL)

- SEPTEMBER 25, 2007 (STATE)

3) LENGTH OF SENTENCE:

- 7 MONTHS (FEDERAL)

- 2 YEARS (STATE)

4) IN THIS CASE, WERE YOU CONVICTED ON MORE THAN ONE COUNT OR OF MORE THAN ONE CRIME? NO

5) IDENTIFY ALL CRIMES OF WHICH YOU WERE CONVICTED AND SENTENCED IN THIS CASE:

- FEDERAL VIOLATION OF PROBATION FOR BANK ROBBERY (FEDERAL)
- CRIMINAL DAMAGE TO PROPERTY (STATE)

6)(a) WHAT WAS YOUR PLEA?

- GUILTY (FEDERAL)
- GUILTY (STATE)

(b) IF YOU ENTERED A GUILTY PLEA TO ONE COUNT OR CHARGE AND A NOT GUILTY PLEA TO ANOTHER COUNT OR CHARGE, WHAT DID YOU PLEAD GUILTY TO AND WHAT DID YOU PLEAD NOT GUILTY TO?

- I PLEAD GUILTY TO ONE COUNT OF BANK ROBBERY (FEDERAL)
- I PLEAD GUILTY TO ONE COUNT OF CRIMINAL DAMAGE TO PROPERTY (STATE)

7) DID YOU TESTIFY AT A PRETRIAL HEARING, TRIAL, OR A POST-TRIAL HEARING?

- NO (FEDERAL)
- NO (STATE)

8) DID YOU APPEAL FROM THE JUDGEMENT OF CONVICTION?

- NO (FEDERAL)
- NO (STATE)

9) HAVE YOU PREVIOUSLY FILED ANY OTHER PETITIONS, APPLICATIONS, OR MOTIONS CONCERNING THIS JUDGEMENT OF CONVICTION IN ANY STATE COURT? NO

10) FOR THIS PETITION, STATE EVERY GROUND ON WHICH YOU CLAIM THAT YOU ARE BEING HELD IN VIOLATION OF THE CONSTITUTION, LAWS, OR TREATIES OF THE UNITED STATES.

GROUND ONE: BASED ON A FEDERAL JUDGEMENT AND COMMITMENT, A FEDERAL DETAINEE HAS BEEN PLACED ON DETAINEE TO SERVE A 7 MONTH SENTENCE CONSECUTIVE TO A 2 YEAR SENTENCE ORDERED TO BE RAN CONCURRENT BY A STATE JUDGES ORDER.

(A) SUPPORTING FACTS

1. DEFENDANT HAS BEEN IN CUSTODY SINCE JULY 25, 2007
2. DEFENDANT WAS SENTENCED TO 210 DAYS IN FEDERAL COURT FOR VIOLATION OF PROBATION CASE NO. 99 CR 261-1 ON SEPT. 26, 2007 WHEN FEDERAL JUDGE SHABUR STATED THAT HE HOPED STATE CHARGES WOULD BE RAN CONCURRENT WITH FEDERAL SENTENCE OF 7 MONTHS.
3. DEFENDANT WAS SENTENCED TO 180 DAYS IN STATE COURT FOR CRIMINAL DAMAGE TO PROPERTY CASE NO. 06 CR 1222201 ON SEPT. 25, 2007 AND STATE JUDGE ORDERED SENTENCE TO BE RAN CONCURRENT TO FEDERAL CASE
4. DEFENDANT HAS A RELEASE DATE OF MARCH 9, 2008
5. DEFENDANT WILL HAVE SERVED 229 DAYS TOTAL INCARCERATION

(B) IF YOU DID NOT EXHAUST YOUR STATE REMEDIES ON GROUND ONE, EXPLAIN WHY: YES, I HAVE EXHAUSTED STATE REMEDIES (SEE ATTACHED STATE PETITION) WHICH PROVES THAT SAID CASES WERE INTENDED TO BE RAN CONCURRENT AND STATE SENTENCE SUCCEEDS THE FEDERAL SENTENCE AND TERMS.

11) OTHER THAN a direct appeal from the judgement of conviction AND sentence, have you previously filed in any federal court any petitions, applications, or motions with respect to the judgement in this motion? No

12) STATE CONCISELY EVERY GROUND ON WHICH YOU CLAIM YOU ARE ASKING FOR RELIEF. SUMMARIZE BRIEFLY THE FACTS SUPPORTING EACH GROUND. YOU SHOULD RAISE IN THIS MOTION ALL AVAILABLE GROUNDS FOR RELIEF WHICH RELATE TO THE CONVICTION:

A) GROUND ONE: THAT FEDERAL JUDGE SHADUR STATED DURING SENTENCING THAT HE HOPED STATE SENTENCE WOULD BE RAN CONCURRENT WITH FEDERAL SENTENCE AND STATE JUDGE LACY ORDERED STATE SENTENCE TO BE RAN CONCURRENT WITH FEDERAL SENTENCE

#### 1. SUPPORTING FACTS

- a. DEFENDANT HAS BEEN IN CUSTODY SINCE JULY 25, 2007
- b. DEFENDANT WAS SENTENCED TO 210 DAYS IN FEDERAL COURT
- c. DEFENDANT WAS SENTENCED TO 180 DAYS IN STATE COURT TO BE RAN CONCURRENT WITH FED. CASE NO. 99 CR 261-1
- d. DEFENDANT HAS A RELEASE DATE OF MARCH 9, 2008
- e. DEFENDANT WILL HAVE SERVED 229 DAYS TOTAL INCARCERATION

2) HAS THIS GROUND BEEN PREVIOUSLY PRESENTED TO ANY FEDERAL COURT BY WAY OF PETITION FOR WRIT OF HABEAS CORPUS, MOTION PURSUANT TO 28 U.S.C. 2255, OR ANY OTHER PETITION, MOTION OR APPLICATION?

-No

A) IF YOUR ANSWER IS "NO", STATE YOUR REASON FOR NOT PRESENTING THIS GROUND:

IF THIS PETITION IS GRANTED AND RELIEF REQUESTED THERE WOULD BE NO FURTHER NEED FOR ANY OTHER MOTIONS OR PETITIONS.

13) DO YOU HAVE ANY PETITION, APPLICATION, MOTION OR APPEAL NOW PENDING IN ANY COURT REGARDING THIS CONVICTION? NO

14) WERE YOU REPRESENTED BY AN ATTORNEY AT ANY TIME DURING THE COURSE OF YOUR ARRAIGNMENT AND PLEA, TRIAL, SENTENCING, APPEAL, OR DURING THE PREPARATION, PRESENTATION OR CONSIDERATION OF ANY PETITIONS, MOTIONS OR APPLICATIONS WHICH YOU FILED WITH RESPECT TO THIS CONVICTION? YES

JOHN MURPHY FEDERAL DEFENDER AND WILLIAM SMITH Public Def.

FEDERAL CASE NO. 99 CR 261-1

STATE CASE NO. 06CR1221201

WHEREFORE, MOVANT PRAYS THAT COURT GRANT HIM SUCH RELIEF TO WHICH HE MAY BE ENTITLED IN THIS PROCEEDING.

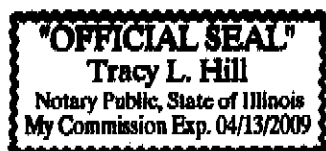
*Shamney Jackson*  
SIGNATURE OF MOVANT

DECLARATION UNDER PENALTY OF PERJURY

THE UNDERSIGNED DECLARES UNDER PENALTY OF PERJURY THAT HE IS THE MOVANT  
IN THE ABOVE ACTION, THAT HE HAS READ THE ABOVE PLEADING AND THAT THE  
INFORMATION CONTAINED THEREIN IS TRUE AND CORRECT. 28 U.S.C. 1746 18 U.S.C.  
1621

EXECUTED AT LINCOLN CC ON DEC. 7, 2007  
(LOCATION) (DATE)

SWORN TO BEFORE  
7 DAY OF December 2007  
*Tracy L. Hill*  
NOTARY PUBLIC



*Shamney Jackson*  
SIGNATURE

*Tracy L. Hill*  
WITNESS

U.S. Department of Justice  
United States Marshals Service



## DETAINER

### BASED ON FEDERAL JUDGMENT AND COMMITMENT

United States Marshal  
Central District of Illinois  
(District)

600 E. Monroe St.  
Springfield, IL 62701  
(217) 492-4430

(Return Address and Phone)

Please type or print neatly:

TO: Lincoln Correctional Center  
P.O. Box 549  
Lincoln, IL 62656  
Attn: Records Office

DATE: November 20, 2007  
SUBJECT: JACKSON, Shaunecy  
AKA: JACKSON, Shaunecy  
DOB/SSN: 05/24/1970 322-66-5454  
REF. # R82054  
USMS #: 10443-424  
CR #: 99 CR 261-1

Please accept this Detainer against the above-named subject who is currently in your custody. The United States District Court for the Northern District of Illinois has issued a **Judgment and Commitment Order** against the subject. The attached **Judgment and Commitment Order** commits the subject to the custody of the U.S. Attorney General to serve the following sentence of imprisonment:

7 months custody of the U.S. Bureau of Prisons

Prior to the subject's release from your custody, please notify this office at once so that we may assume custody of the subject for service of his Federal sentence of imprisonment. If the subject is transferred from your custody to another detention facility, we request that you forward our Detainer to said facility at the time of transfer and advise this office as soon as possible. The notice and speedy trial requirements of the Interstate Agreement on Detainers Act do NOT apply to this Detainer.

Please acknowledge receipt of this Detainer. In addition, please provide one copy of the Detainer to the subject and return one copy of the Detainer to this office in the enclosed self-addressed envelope.

RECEIPT	
Date:	<u>11-26-07</u>
Signed:	<u>Shaunecy Jackson</u>
By:	<u>Deirda Montcalm</u>
Title:	<u>Office Assoc.</u>

Very truly yours,

Jill Good  
(Signature)

Steven Deatherage  
U.S. Marshal

Requested by: Jill Good

Northern District  
Said Concern  
PER DWIGHT  
CENTRAL District  
FEDERAL PUT HOLD  
ON.

1282037

## IN THE CIRCUIT COURT OF COOK COUNTY

PEOPLE OF THE STATE OF ILLINOIS ) CASE NUMBER 06CR1222201  
 V. ) DATE OF BIRTH 05/24/70  
 SHAUNEY JACKSON ) DATE OF ARREST 09/13/07  
 Defendant ) IR NUMBER 0853351 SID NUMBER 028880650

ORDER OF COMMITMENT AND SENTENCE TO  
 ILLINOIS DEPARTMENT OF CORRECTIONS  
 =====

The above named defendant having been adjudged guilty of the offense(s) enumerated below is hereby sentenced to the Illinois Department of Corrections as follows:

Count	Statutory Citation	Offense	Sentence	Class
001	720-5/21-1(1)(a)	KNOW DAMAGE PROP>\$10K-100K	YRS. 002 MOS. ____	3
and said sentence shall run concurrent with count(s) ____			YRS. ____ MOS. ____	____
and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:			YRS. ____ MOS. ____	____
and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:			YRS. ____ MOS. ____	____
and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:			YRS. ____ MOS. ____	____
and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:			YRS. ____ MOS. ____	____

On Count \_\_\_\_ defendant having been convicted of a class \_\_\_\_ offense is sentenced as a class X offender pursuant TO 730 ILCS 5/5-5-3(C)(8).

On Count \_\_\_\_ defendant is sentenced to an extended term pursuant to 730 ILCS 5/5-8-2.

The Court finds that the defendant is entitled to receive credit for time actually served in custody for a total credit of 0016 days as of the date of this order

IT IS FURTHER ORDERED that the above sentence(s) be concurrent with the sentence imposed in case number(s) \_\_\_\_

AND: consecutive to the sentence imposed under case number(s) \_\_\_\_

IT IS FURTHER ORDERED THAT TO RUN CONCURRENT TO THE FEDERAL CASE \_\_\_\_

IT IS FURTHER ORDERED that the Clerk provide the Sheriff of Cook County with a copy of this Order and that the Sheriff take the defendant into custody to deliver him/her to the Illinois Department of Corrections and that the Department take him/her into custody and confine him/her in a facility provided by law until the above sentence is fulfilled.

DATED SEPTEMBER 25, 2007

CERTIFIED BY E BELMARES DEPUTY CLERK

WAPF 09/25/07 12:25:28

ENTERED: 09/25/07

JUDGE: LACY, WILLIAM G

1725

CCG N305



IN THE  
U.S. District Court of  
NORTHERN DISTRICT OF ILLINOIS

U.S. OF AMERICA  
 Plaintiff,

v.

SHAUNCEY JACKSON  
 Defendant

)  
 )  
 ) Case No. 99 CR 261-1  
 )  
 )  
 )

**PROOF/CERTIFICATE OF SERVICE**

TO: MICHAEL DOBBINS OFFICE OF CLERK

U.S. District Court NORTHERN ILLINOIS  
219 S. DEARBORN  
CHICAGO, IL 60604

TO:

PATRICK FITZGERALD U.S. ATTORNEY OFFICE  
219 S. DEARBORN  
CHICAGO, IL 60604

PLEASE TAKE NOTICE that on DECEMBER 7, 2007, I have placed the documents listed below in the institutional mail at LINCOLN Correctional Center, properly addressed to the parties listed above for mailing through the United States Postal Service:

- HABEAS CORPUS  
- MOTION FOR AMENDED SENTENCING

Pursuant to 28 USC 1746, 18 USC 1621 or 735 ILCS 5/109, I declare, under penalty of perjury, that I am a named party in the above action, that I have read the above documents, and that the information contained therein is true and correct to the best of my knowledge.

DATE: DEC. 7, 2007

1/s/ Shauncey Jackson  
 NAME: SHAUNCEY JACKSON  
 IDOC#: R82054  
LINCOLN Correctional Center  
 P.O. BOX 549  
LINCOLN, IL 62656